

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION  
(Pre-publication of Notice Statement)

Amend Subsections (a)(1) and (b)(1) and (4) of Section 230, Title 14, CCR  
Re: Issuance of Permits for Contests Offering Prizes for the Taking of Game Fish.

- I. Date of Initial Statement of Reasons: August 23, 2002
- II. Dates and Locations of Scheduled Hearings:
  - (a) Notice Hearing: Date: August 2, 2002  
Location: San Luis Obispo
  - (b) Adoption Hearing: Date: December 6, 2002  
Location: Monterey
- III. Description of Regulatory Action:
  - (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

It is unlawful to offer any prizes or inducements as a reward for the taking of any fish in an individual contest, tournament, or derby except that the Department may issue a permit to any person to offer prizes or inducements if it finds that there would be no detriment to the resource.

Under current regulations, if two or more applicants have requested a permit for a Type A (Event) contest for the same date for a water, the application received first shall be given priority. Type A contests are those events offering prizes totaling more than \$1,000 in value or with more than 50 participants. Type A contests may not exceed three days in duration and no more than one Type A event may be held at any water on the same day for the same game fish category listed in subsection 230(b)(1) Title 14 CCR. Applications may not be accepted by the Department prior to January 1 of the year preceding the calendar year in which any contest is proposed.

Under current regulations, the first applicant can apply for an almost unlimited number of permits for various waters and dates with no regard or consideration for other applicants. This has led to some applicants applying for and receiving a large number of permits with little subsequent effort made to conduct the contest. This practice prevents other applicants from holding contests at particular waters on specific dates and has led to complaints from other sponsors and lake managers. Although it is illegal to obtain permits with no intent to conduct the

contest, it is impossible for the Department to prevent this practice.

In addition, Mr. Mike Kennedy has requested that the date for accepting applications be changed from January 1 to July 1 of the year preceding the calendar year in which the contest is proposed. The January 1 date was changed from July 1 at the request of several sponsors in 1998 by the Fish and Game Commission. The original date was set arbitrarily by the Department and has no resource implications for issuance of fishing contest permits.

It is the policy of the state to preserve and enhance black bass resources and to manage black bass populations to provide satisfactory recreational opportunities to the public (Section 1741, Fish and Game Code). The proposed changes would change the date for accepting applications from January 1 to July 1 of the year preceding the calendar year in which the contest is proposed; and change the regulation that requires the Department to give priority to the application received first, and provide that the Department shall issue permits to applicants by a lottery or draw conducted by Department personnel or on a first-come first-serve basis. The later change will help provide for an equitable distribution of fishing contest permits and an orderly fishery.

- (b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 1050 and 2003, Fish and Game Code.

Reference: Sections 711, 713, 1050 and 2003, Fish and Game Code.

- (c) Specific Technology or Equipment Required by Regulatory Change:  
None.
- (d) Identification of Reports or Documents Supporting Regulation Change:  
None.
- (e) Public Discussions of Proposed Regulations Prior to Notice Publication:  
  
No public discussion was held.

#### IV. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change: None was identified.
- (b) No Change Alternative: This alternative is unacceptable as changes are necessary to improve procedures for issuing permits for fishing contests and to accommodate a request for a later date when the Department receives applications for following year contests.

- (c) Consideration of Alternatives: In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulations.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in Other States: The proposed action will not have a significant statewide adverse economic impact affecting businesses, including the ability of California businesses to compete with businesses in other states. The changes are primarily for clarification, and they will have no substantial influence on human activities.
- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on Private Persons: The agency is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Other Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

## **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Under current regulations, if two or more applicants have requested a permit for a Type A (Event) contest on the same date for a water, the application received first shall be given priority. Type A contests are those events offering prizes totaling more than \$1,000 in value or with more than 50 participants. Type A contests may not exceed three days in duration and no more than one Type A event may be held at any water on the same day for the same game fish category listed in subsection 230(b)(1) Title 14, CCR. Additionally, applications may not be accepted by the Department prior to January 1 of the year preceding the calendar year in which any contest is proposed.

Current regulations allow the first applicant to apply for and receive an almost unlimited number of permits for various waters and dates with no regard for other applicants. This has led to some applicants applying for and receiving a large number of permits with little effort made to conduct the contest. This practice prevents other applicants from holding fishing contests at that particular water on that date and unfairly reduces competition.

In addition, Mr. Mike Kennedy has requested that the date for accepting applications be changed from January 1 to July 1 of the year preceding the calendar year in which the contest is proposed. The January 1 date was changed from July 1 at the request of several sponsors in 1998 by the Fish and Game Commission. The original date was set arbitrarily by the Department and has no resource implications for issuance of fishing contest permits.

The proposed changes would accommodate Mr. Kennedy's requests and change the date for accepting applications from January 1 to July 1 of the year preceding the calendar year in which the contest is proposed; and change the regulation that requires the Department to give priority to the application received first, and provide that the Department shall issue permits to applicants on a first-come first-serve basis or by a lottery or draw conducted by Department personnel.